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Seventh report of the Secretary-General pursuant to paragraph 4 of Security Council resolution 2107 (2013)

I. Introduction

1. The present report is submitted pursuant to paragraph 4 of Security Council resolution 2107 (2013) and covers developments pertaining to the issues of missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives, since the issuance of my previous report, dated 29 April 2015 (S/2015/298).

2. During the reporting period, bilateral relations between Iraq and Kuwait strengthened further. On 28 May 2015, the Minister for Foreign Affairs of Iraq, Ibrahim al-Jaafari, met in Kuwait with the First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, Sheikh Khalid Mohammed al-Sabah, on the sidelines of the forty-second meeting of the Council of Foreign Ministers of the Organization of Islamic Cooperation. Sheikh al-Sabah reaffirmed the support of the Government of Kuwait to the Government of Iraq, as well as its commitment to assist current efforts to restore Iraq's stability, security and unity. On 1 June, the Department of Foreign Relations of the Kurdistan Region of Iraq officially received the credentials of the new incoming Consul General of Kuwait to Erbil. On 10 June, the Ministry of Foreign Affairs of Kuwait announced a contribution of $200 million to ease the humanitarian crisis in Iraq. On 17 June, a planeload of 20 tons of medicine and medical supplies arrived in Iraq as part of the air bridge of relief supplies provided by the Government of Kuwait as a sign of solidarity with the people of Iraq.

3. Budgetary constraints and limitations set by the security and economic situation in Iraq have hampered work on the search for missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives. The Government of Iraq, however, is persisting in its efforts to achieve results. In this regard, the Minister for Human Rights of Iraq, Mohammed Mehdi al-Bayati, headed the Iraqi delegation at the ninetieth session of the Technical Subcommittee of the tripartite mechanism, as well as the fortieth meeting of the Tripartite Commission, which were held in Kuwait on 18 and 20 May, respectively, under the chairmanship of the International Committee of the Red Cross.

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II. Recent activities with regard to the repatriation and return of all Kuwaiti and third-country nationals, or their remains

4. On 21 April, following the briefing by the Iraqi Ministry of Human Rights on the importance of maintaining the momentum in its work despite the difficult fiscal situation, the Council of Ministers approved the budget allocation from the emergency reserves for the Ministry's activities on the missing persons file for the second half of 2015. On 7 May, the Iraqi interministerial committee on missing Kuwaiti nationals convened under the aegis of the Ministry of Human Rights to discuss the plan of action for the remainder of 2015, including scheduled excavation and exploratory missions, as well as the availability of witnesses and information on potential burial sites.

5. During the reporting period and in carrying out his responsibilities under resolution 2107 (2013), my Deputy Special Representative for Political Affairs continued meeting with relevant Iraqi and Kuwaiti interlocutors to urge forward movement on this important humanitarian file. During his visit to Kuwait from 18 to 21 May, my Deputy Special Representative met with the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs, the Minister for Human Rights of Iraq, and the Ambassador of Iraq to Kuwait, Moh'd Hussein Moh'd Bahr-Aluloom. The Chair and members of the National Committee for Missing Persons and Prisoners of War Affairs stressed the need for the Government of Iraq to create new dynamics and look at different search methods and modalities that could achieve tangible results, particularly within the already available forensic and technological resources in Iraq.

6. For his part, the Minister for Human Rights of Iraq emphasized his country's strong commitment to carry on fulfilling its obligations in the search for the missing persons. He noted that all politicians in Iraq were aware of Iraq's international obligations and its duty towards Kuwait, whom they see as their closest regional partner. The Minister, however, noted that the current liquidity crisis was seriously hindering progress on the file.

7. The United Nations Assistance Mission for Iraq (UNAMI) participated as an observer in the ninetieth session of the Technical Subcommittee of the tripartite mechanism, which was held on 18 May in Kuwait. During the meeting, the parties agreed to review the present state and the efforts carried out so far to come up with new ideas and approaches to reinvigorate the file and achieve tangible results. To that end, it was decided that experts would be involved in future meetings to acquaint members of the Technical Subcommittee with the available technology that has proven successful in the field to assist the Subcommittee in devising a holistic strategy.

8. During the session of the Technical Subcommittee, Saudi Arabia stated that its national authorities had difficulty in identifying the location of a potential burial site on its border with Kuwait. That information had been shared following the provision of additional details by a witness. Consequently, the Government of Iraq requested support from Saudi Arabia, Kuwait and other relevant members in providing relevant documents from their respective archives. The Government of Iraq indicated it would also seek further clarification from the witness.

9. My Deputy Special Representative attended the fortieth meeting of the Tripartite Commission on 20 May in Kuwait, during which the members of the

Commission supported the renewal of the observer status of UNAMI within the mechanism for another year.

10. On 1 June, my Deputy Special Representative met in Baghdad with the Head of the Department of International Organizations and Cooperation in the Ministry of Foreign Affairs, Ambassador Ahmed Bamarni, who acknowledged technical, financial and logistical problems in the search for the missing persons. Ambassador Bamarni expressed his commitment to raise with the Minister of Finance the need to secure liquidity and to ensure that the Ministry of Human Rights was able to cover the current needs of the operation.

III. Recent activities with regard to the return of Kuwaiti property

11. The current reporting period failed to register any major forward movement with regard to property. In his meetings with Iraqi authorities, my Deputy Special Representative has stressed the need to maintain momentum in this important area. He urged both sides to consider convening the Joint Property Committee, which last met in June 2014.

IV. Observations

12. I welcome the positive and constructive relationship and cooperation between Iraq and Kuwait across all aspects of mutual interest. Kuwait's pledge to provide $200 million in humanitarian funds to alleviate the suffering of internally displaced persons in Iraq is particularly commendable. The expanding partnership between the two States is a strong indicator that the ties will only grow closer with time and hopefully lead to full normalization of relations. I believe that the spirit of mutual support that currently exists should be built upon to bring new momentum on the file of missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives, so that concrete results are achieved on this important humanitarian issue.

13. I commend the commitment of the Government of Iraq to continuing work on this file while trying to address the multiple challenges that the country is facing. I further welcome the decision of the Council of Ministers to allocate the necessary funds for the activities of the Ministry of Human Rights in support of the search for the missing persons for the second half of 2015, even while faced with severe budgetary constraints. I note with regret, however, that continued efforts have not led to substantial progress on the file. It has been 11 years since the last set of human remains was found in excavation. And it has been 25 long years that the families of the missing persons have been waiting to learn the fate of their loved ones.

14. I recognize the need to reassess the sole reliance on traditional search methods, as they have proven inconclusive with the passage of time. I am confident that reviewing the activities carried out to date and exploring alternative search methods will help to overcome the standstill. With this in mind, I urge the Government of Iraq to consider employing modern technology and new approaches to devise a holistic strategy on the way forward.

15. The tripartite mechanism, under the able chairmanship of the International Committee of the Red Cross, remains vital in addressing the issue of missing Kuwaiti and third-country nationals. I am grateful that the observer status of UNAMI has been extended, allowing it to continue to play a supporting and facilitating role in this important humanitarian commitment. I am pleased that a positive and constructive atmosphere of partnership and cooperation prevails among the members, showcasing their enduring dedication. I welcome proposals and innovative ideas on the way forward to be tabled at the upcoming meeting of the Technical Subcommittee in September 2015.

16. I note the lack of progress with regard to the missing Kuwaiti property. I call on the Government of Iraq to bring in innovative search methods and targeted information campaigns to locate the national archives. I further encourage the Joint Property Committee to meet regularly to bring needed progress on the file.

17. I further encourage the Government of Iraq to use the expertise and assistance of UNAMI in facilitating its efforts in the search for missing Kuwaiti persons and property. I reiterate the strong commitment and dedication of UNAMI and my Special Representative and Deputy Special Representative for Political Affairs in playing the mandated role in full measure.